

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: January 8, 2024

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J. G.,	*	PUBLISHED
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Petitioner,	*	No. 20-664V
	*	
v.	*	Special Master Nora Beth Dorsey
	*	
SECRETARY OF HEALTH	*	Damages Decision; Hepatitis A
AND HUMAN SERVICES,	*	Vaccine; Guillain-Barré Syndrome
	*	("GBS"); Pain and Suffering;
Respondent.	*	Unreimbursable Expenses.
	*	

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Anne Carrion Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioner.  
Julia Marter Collison, U.S. Department of Justice, Washington, DC, for Respondent.

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On June 1, 2020, J.G. ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program ("Vaccine Act" or "the Program"), 42 U.S.C. § 300aa-10 et seq. (2018).<sup>2</sup> Petitioner alleges that he suffered Guillain-Barré Syndrome ("GBS") as the result of a hepatitis A vaccination administered on April 19, 2018. Petition at 1-5 (ECF No. 1). On February 13, 2023, the undersigned issued a Ruling on Entitlement, finding that Petitioner was entitled to compensation. Ruling on Entitlement dated Feb. 13, 2023 (ECF No. 67).

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<sup>1</sup> Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims' website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

On January 3, 2024, the undersigned issued a Ruling on Damages, awarding Petitioner \$170,000.00 for actual pain and suffering, \$500.00 per year for Petitioner's life expectancy reduced to net present value for future pain and suffering, and \$6,430.80 for past unreimbursed expenses. Ruling Awarding Damages dated Jan. 3, 2024 (ECF No. 84). That Ruling is incorporated herein as if fully set forth. The undersigned also ordered the parties to file a joint status report (1) converting the undersigned's award of future pain and suffering to its net present value, and (2) providing a statement confirming that the Ruling reflects all items of damages and that no issues remain outstanding. Id. at 19-20.

On January 8, 2024, Respondent filed a joint status report (attached hereto as Appendix A), in which the parties agreed that the net present value of Petitioner's future pain and suffering award is \$12,814.25. Joint Status Report, filed Jan. 8, 2024 (ECF No. 85). The parties confirmed that the undersigned's Ruling on Damages reflects all items of damages, and no issues remain outstanding. Id.

Therefore, based on the record as a whole, and pursuant to the undersigned's damages Ruling, the undersigned finds that Petitioner is entitled to an award as ordered below:

- (1) A lump sum payment of \$189,245.05, representing actual pain and suffering (\$170,000.00), future pain and suffering (\$12,814.25), and compensation for past unreimbursable expenses (\$6,430.80), in the form of a check payable to Petitioner.**

These amounts represent compensation for all damages that would be available under § 300aa-15(a). The Clerk of Court is directed to enter judgment in accordance with this decision.

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Special Master